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February 9, 1995

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 95-3
In the Matter of Assessment and
Collection of Regulatory Fees for Fiscal Year 1995

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Dear Mr. Caton:

Transmitted herewith, on behalf of Fant Broadcasting Company of Nebraska, Inc., are an original and four copies of its Comments in response to the Notice of Proposed Rulemaking In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1995.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned counsel for Fant Broadcasting Company of Nebraska, Inc.

Very Truly Yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

James A. Casey
James A. Casey

Counsel for
Fant Broadcasting Company
of Nebraska, Inc.

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
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Assessment and Collection of) MM Docket No. 95-3
Regulatory Fees for Fiscal Year)
1995)

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To: The Commission

COMMENTS OF
FANT BROADCASTING COMPANY OF NEBRASKA, INC.

Fant Broadcasting Company of Nebraska, Inc., licensee of parent station KHGI-TV, Kearney, Nebraska, and satellite stations KSNB-TV, Superior, Nebraska, and KWNB-TV, Hayes Center, Nebraska ("Fant"), by its attorney, hereby submits its Comments in response to the Notice of Proposed Rulemaking in the matter of assessment and collection of regulatory fees for fiscal year 1995, MM Docket No. 95-3. These Comments are filed in support of a reduced annual regulatory fee for commonly owned television satellite stations as outlined in paragraph 33 of the Notice.

The purpose of the regulatory fees established by Congress was to recoup to the government the costs of regulation from those parties benefitting from such regulation. The Commission's proposal differentiating between full service stations and satellite stations recognizes that satellites operate primarily as translators of the primary station. They impose virtually no regulatory burden independent of the primary station. Therefore, it is appropriate that they be assessed a lower regulatory fee.

In addition to the relatively minimal regulatory burdens imposed by satellite stations,

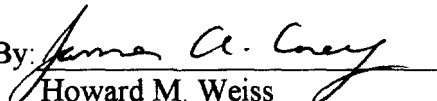
fairness demands that these stations be differentiated from their full-service counterparts in the regulatory scheme. As Fant pointed out in its Petition for Reconsideration filed in MD Docket No. 94-19 in July of 1994, in a fee schedule based upon Arbitron markets, satellite stations serving remote, sparsely populated areas can end up being assessed a fee well beyond the value of the station to the licensee, and their licensee may end up paying a fee often greater than some full service stations in major markets.

Fant's predicament for fiscal year 1994 vividly illustrates the unfairness of the Commission's prior approach to determining regulatory fees for satellite stations. Fant's satellites, situated many miles from the parent station's community and Lincoln, hub of the market, serve communities of some 2,397 and 259 persons respectively. They generally originate no programming, and neither station has a staff in excess of the Commission's five-person full-time threshold for EEO regulation. Thus, neither facility requires regulatory activities or engenders regulatory costs separate and apart from the parent. Yet, the Commission's previous fee schedule approach for satellites called for an astounding \$16,000 fee -- twice what the parent paid and well in excess of the fee for a top-ten market VHF -- for the privilege of serving rural Nebraska. Such an outcome cannot have been the intent of Congress. The differentiation of these stations from their parent in the fee schedule is the only commonsensical approach to determining their respective regulatory fees.

Therefore, the Commission should adopt the reduced annual regulatory fee for commonly owned television satellite stations as outlined in paragraph 33 of the Notice.

Respectfully submitted,

FANT BROADCASTING COMPANY OF
NEBRASKA, INC.

By: 
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Date: February 9, 1995